

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LAS BRISAS TOWNHOMES

Plaintiff,

V.

**WESTERN HERITAGE INSURANCE
COMPANY,**

Defendant.

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CIVIL ACTION NO. 5:17-cv-593

JURY

WESTERN HERITAGE INSURANCE COMPANY'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant, WESTERN HERITAGE INSURANCE COMPANY ("Western Heritage") files its Notice of Removal to the United States District Court for the Western District of Texas, San Antonio Division, on the basis of diversity of citizenship and amount in controversy, and respectfully shows the following:

I. PROCEDURAL BACKGROUND

1. On May 31 2017, Plaintiff, Las Brisas Townhomes ("Las Brisas" or "Plaintiff") filed its Original Petition in a case styled *Las Brisas Townhomes v. Western Heritage Insurance Company*; Cause No. 2017CI09952; In the 166th Judicial District Court; Bexar County, Texas.

2. Western Heritage received a copy of the Plaintiff's Original Petition on or about June 5, 2017.

3. Western Heritage files this notice of removal within 30 days of receiving Plaintiff's Original Petition. *See* 28 U.S.C. § 1446(b). This Notice of Removal is being filed within one year of the commencement of this action. *see id.*

4. All pleadings, process, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a).

5. Attached hereto are copies of the following documents:

- **Exhibit 1:** Certificate of Entire File;
- **Exhibit 2:** Plaintiff's Original Petition;
- **Exhibit 3:** Civil Case Information Sheet;
- **Exhibit 4:** Filing Fee Letter
- **Exhibit 5:** Western Heritage Insurance Company's Original Answer to Plaintiff's Original Petition
- **Exhibit 6:** List of Parties and Counsel

II. BASIS FOR REMOVAL

6. Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

A. Plaintiff and Western Heritage are diverse

7. Plaintiff is, and was at the time the lawsuit was filed, a citizen of Texas.

8. Defendant, Western Heritage, is incorporated under the laws of the State of Arizona, with its principal place of business in Scottsdale, Arizona.

B. Plaintiff's Pledged Amount in Controversy Exceeds the Jurisdictional Threshold for Subject Matter Jurisdiction.

9. As alleged in its Original Petition, Plaintiff alleges it was underpaid on its property insurance claim by approximately \$1,252,895.44 and "the amount in controversy is more than \$1,000,000.00." (*See* Plaintiff's Original Petition, ¶ V.). Therefore, the amount in controversy exceeds the \$75,000.00 jurisdictional requirement for removal.

III. THIS REMOVAL IS PROCEDURALLY CORRECT

10. Western Heritage received service of this lawsuit on June 5, 2017. Thus, Western Heritage is filing this Notice within the 30-day time period required by 28 U.S.C. § 1446(b).

11. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because i) this District and Division include the county in which the state action has been pending, and ii) a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division.

12. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

13. Promptly after Western Heritage files this Notice of Removal, written notice of the filing will be given to Plaintiff pursuant to 28 U.S.C. §1446(d).

14. Promptly after Western Heritage files this Notice of Removal, a true and correct copy of same will be filed with the Clerk of the Bexar County District Court pursuant to 28 U.S.C. §1446(d).

IV. CONCLUSION

15. Based upon the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Defendant, WESTERN HERITAGE INSURANCE COMPANY, hereby removes this case to this Court for trial and determination.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ George H. Arnold
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**ATTORNEYS FOR WESTERN HERITAGE
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 5, 2017, a true and correct copy of the foregoing instrument was delivered to all known counsel of record in accordance with the Federal Rules of Civil Procedure, and any applicable Local Rules, as follows:

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